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STATE FOR G/TIP,G,INL,DRL,PRM,NEA/ARP,NEA/RA

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QA

SUBJECT: QATAR: INPUT FOR THE NINTH ANNUAL TRAFFICKING IN
PERSONS (TIP) REPORT (PART 1 OF 2)

REF: 08 STATE 132759

¶1. (SBU) Post was very encouraged in the second half of the year by the willingness of the government to open a more frank and constructive dialogue on the problem of TIP and how to combat it. As a result of this dialogue, Post gained easier access to Qatari officials, and the government hosted TIP Director Ambassador Mark P. Lagon in November. On February 19-20, a group of senior government officials involved in combating TIP will travel to Washington to discuss the future action on TIP with their U.S. counterparts. Post was also encouraged by government plans to work with the governments of labor-sending countries in an effort to combat TIP at its starting point. There were two prosecutions for offenses against foreign housemaids during the year. While access to information and statistics from governmental and quasi-governmental stakeholders remained an issue, continuing a pattern that began after Qatar's demotion into Tier 3 status in 2007, such access improved marginally. Post was supplied, for example, with certified copies of court documents on certain cases involving housemaids. We will forward additional information if and when received. However, Post received certain relevant information from the government during the course of it's preparation of the 2008 Human Rights Report, and that information is contained herein.

¶2. (U) The following is Post's input for the ninth annual Trafficking in Persons (TIP) Report. Answers are keyed to reftel questions.

¶3. (SBU) PARAGRAPH 23: THE COUNTRY'S TIP SITUATION:

¶A. (SBU) What is (are) the source(s) of available information on trafficking in persons?

-- Sources of information of trafficking in persons include other diplomatic missions, government officials, commercial contacts, international organizations, local and regional media, expatriate community support groups, and contacts at quasi-governmental NGOs.

How reliable are these sources?

-- While the reliability of sources cannot always be ascertained, cross-referencing various information among multiple sources helps to promote accuracy in information gathering.

What plans are in place (if any) to undertake further documentation of human trafficking?

-- Post will continue to strengthen its relationships with the foreign embassies, governmental and quasi-governmental organizations working on TIP issues, and NGOs operating in the region, to continue making progress on TIP.

1B. (SBU) Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children?

-- Qatar is a country of destination and transit for internationally trafficked women and men. Qatar is not a country of origin for internationally trafficked children. Since the ban on child camel jockeys, there is no evidence that Qatar is a destination for internationally trafficked children. Whether Qatar is a transit point for such children is unknown.

Does trafficking occur within the country's borders?

-- Yes.

If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)?

-- Not applicable.

To where are people trafficked?

-- People are trafficked in and around the major population center of Doha, and to a lesser extent, to municipalities such as Al Khor and Dukhan.

For what purposes are they trafficked?

Laborers, typically from South Asian countries, are generally trafficked for the purpose of providing labor for construction projects in the country. Women are mainly trafficked for the purpose of serving as housemaids in private residences.

Provide, where possible, numbers or estimates for each group of trafficking victims.

-- There are no firm estimates of the total numbers of men and women trafficked in the country; most came willingly to work as laborers and domestic workers. The number is believed to be in the thousands.

Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

-- There has been a substantial increase in the number of Nepalese workers brought into the country to work on construction projects. These workers are particularly vulnerable to exploitation.

1C. (SBU) What kind of conditions are the victims trafficked into?

-- Unsafe and unsanitary working and living conditions, non-payment and underpayment of wages, sexual exploitation.

1D. (SBU) Vulnerability to TIP:

Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.).

-- Foreign laborers, mostly male, and domestic workers, male and female, are most at risk of being trafficked. Men and women from India, Pakistan, Bangladesh, Nepal, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan and the P.R.C. voluntarily travel to Qatar as laborers and domestic servants, but some subsequently face conditions of involuntary servitude.

1E. (SBU) Traffickers and Their Methods:

Who are the traffickers/exploiters? Are they independent business people?

-- Trafficking often begins in the labor-sending countries, where unscrupulous recruiting agencies sell valid Qatari travel documents illegally to unwitting laborers. Government and NGO sources report that the government will institute a plan to work with the labor-sending countries to suppress this trade in the coming year. Domestic recruiting agencies and Qatari sponsors are also involved in trafficking/exploitation. Some are independent business people.

Small or family-based crime groups?

-- We have no evidence that small or family-based crime groups are involved in TIP.

Large international organized crime syndicates?

-- We have no evidence that large international organized crime syndicates are involved in TIP.

What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends?

-- Victims are often offered fair wages and benefits for work in Qatar by recruiting agencies in the labor-sending countries.

What methods are used to move the victims (e.g., are false documents being used)?

-- Most often victims arrive willingly with valid travel documents.

Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

-- We have no evidence that these organizations are fronts for other trafficking groups.

13. (SBU) PARAGRAPH 24: SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. (SBU) Does the government acknowledge that trafficking is a problem in the country? If not, why not?

-- Yes. The GOQ acknowledges that trafficking is a problem.

-- B. (SBU) Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

-- Officials from the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Labor and Social Affairs (Labor Department), Supreme Judicial Council, General Health Authority, General Prosecution, National Human Rights Committee, the Qatar Foundation for Women and Children Protection and the Supreme Council for Family Affairs are all involved in anti-trafficking efforts. As of February 2007, the Supreme Council for Family Affairs has the lead in anti-trafficking efforts.

-- C. (SBU) What are the limitations on the government's

ability to address this problem in practice?

-- The massive growth in the population of expatriate workers in the country has outpaced the government's ability to monitor and combat TIP. In addition, there are cultural and socio-economic limitations which limit the governments ability to address it.

For example, is funding for police or other institutions inadequate?

-- No. Funding is not a problem.

Is overall corruption a problem?

-- No. Overall corruption is not a problem in this area.

Does the government lack the resources to aid victims?

-- No, but utilization of resources is a problem.

1D. (SBU) To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

-- Although the government has identified various agencies to implement anti-trafficking reforms, it does not effectively monitor its anti-trafficking efforts, in general.

It has, however, made improvements in its monitoring of individuals trafficked into the country for the purpose of commercial sexual exploitation. When requested, the government does make available its assessments of its anti-trafficking efforts to the requesting organization.

14. (SBU) PARAGRAPH 25: INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

1A. (SBU) Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor?

-- Qatar does not have a law specifically prohibiting all forms of trafficking in persons. The GOQ has drafted, but not enacted, amendments to its sponsorship regulations intended to protect the rights of foreign workers. The GOQ has also drafted an anti-trafficking law that is being circulated to relevant agencies for comment. It is unclear when the laws will be enacted. Several GOQ officials have noted that a new law specifically addressing domestic workers is also being drafted; however, domestic workers remain unprotected by general labor laws.

Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt).

-- There are no specific trafficking laws. The Labor Law (which does not apply to domestic workers) allows the alleged victim to bring his case to the labor court (a civil court) to attempt to retrieve actual losses (back salary owed), but there are no additional remedies available (i.e., restitution).

-- On July 28, 2005, Law No. 22, banning the transport, employment, training, and involvement of children under the age of eighteen in camel races, came into force. According to Article 4, anyone who violates the law faces three to ten years' imprisonment and a fine ranging between \$13,000 and \$55,000. This law is effectively enforced.

Does the law(s) cover both internal and transnational forms of trafficking?

-- No.

If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion?

- Traffickers can be prosecuted under Article 321 (slavery) or Article 322 (forced labor) of the Criminal Law of 2004, which bans forced or coerced labor. The penalty for Article 321 is imprisonment of no more than seven years and the penalty for Article 322 is imprisonment of no more than six months and/or a fine of no more than QR 3,000 (USD 825). If the victim is under 16, the penalty is imprisonment of no more than six years and/or a fine of no more than QR 10,000 (USD 2,750). Also, Articles 318-319 of the Criminal Law address crimes that violate human liberty and sanctity (kidnapping). Specifically, Article 318 prohibits the abduction, seizure or deprivation of an individual's liberty. The penalty for crimes that violate human liberty and sanctity is imprisonment of not more than ten years. In 2002, the government also passed a money laundering law (Article 2) that specifically defines as a money laundering crime the handling of money related to trafficking of women and children. Although the Labor Law enacted in January 2005 expands some worker rights, the law does not extend to domestic workers.

The Ministry of Labor increased its number of inspectors from 53 to 67 during the year and gave those inspectors law enforcement powers. These inspectors conducted more than 17,000 inspections during the year to monitor compliance with safety conditions and compliance with wage and hours law. It levied administrative penalties on more than 850 firms during the year.

Immigration laws, which generally involve the administrative penalty of deportation, are applied in some trafficking cases. The Ministry of Interior reported that undercover operations are used at immigration points and at worksites to target and arrest traffickers who have lured vulnerable people into the country with promises of good wages and living conditions, only to force them into harsh conditions on their arrival. Summary deportation is the usual penalty, rather than criminal prosecution.

Are these other laws being used in trafficking cases?

--While the Labor Law provides administrative penalties, neither it nor the other laws is used to prosecute traffickers criminally.

1B. (SBU) Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

-- Pimping is punishable by imprisonment of not more than ten years.

1C. (SBU) Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor?

-- There are no specific trafficking laws addressing forced or bonded labor, although a separate law exists (Article 322 of the Criminal Law) which criminalizes forced labor and abduction for that purpose. Forced labor is punishable by imprisonment of not more than six months and a fine not to exceed \$825, or both. Abduction for the purpose of forced labor is punishable by imprisonment of not more than seven years.

If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment

of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country?

-- Qatar is not a labor source country.

If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

-- No. There is currently no prohibition on the confiscation of workers' passports or travel documents. The draft sponsorship law is not expected to prohibit this practice. Employers who switch contracts or terms of employment without the worker's consent, or withhold payment of salaries are sometimes summoned to the labor court and the cases are treated as civil cases between employers and employees. Foreign embassies frequently intervene on behalf of their citizens, and they report that the government generally cooperates with them in their efforts.

1D. (SBU) What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking . . . the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)."

-- The penalty for rape is 10 years' imprisonment, or 14 years if the victim is under the age of 16. If the perpetrator is the teacher, guardian, or caregiver of the victim, the penalty is life imprisonment.

-- E. (SBU) Law Enforcement Statistics:

Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment.

-- There were no criminal prosecutions during the year for the economic exploitation of foreign workers. One Qatari citizen was prosecuted for the alleged sexual harassment of an Indonesian housemaid. He was acquitted by the court based upon the evidence adduced at trial. An Egyptian national was convicted in the murder of her Indonesian housemaid, and is now serving her sentence.

Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims

(children under 18 years of age vs. adults).

-- Figures involving criminal prosecutions for TIP-related labor offenses are not available. While there were prosecutions for commercial sexual exploitation, these figures were not made available to post.

If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage?

-- Qatar is not a labor source country.

Did the government in a labor destination country criminally

prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service?

-- No. There is currently no prohibition on the confiscation of workers' passports or travel documents.

What were the actual punishments imposed on persons convicted of these offenses?

-- Not applicable.

Are the traffickers serving the time sentenced? If not, why not?

-- Not applicable.

1F. (SBU) Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

-- Yes. TIP training has been incorporated into basic and continuing training at the police academy, and such training continued in 2008. The TIP Office, with assistance from the NHRC, also organized a series of training courses and workshops for government and private officials, including officials from the Ministry of Interior and the Attorney General's Office, dealing with labor and domestic helpers' affairs to educate them on the rights of laborers and the obligations of employers. It included training for police officers on various techniques for dealing with TIP victims.

1G. (SBU) Does the government cooperate with other governments in the investigation and prosecution of trafficking cases?

-- The government cooperates with foreign embassies toward investigating and resolving TIP-related cases, most notably with the Embassy of Sudan in the repatriation of the young Sudanese boys employed as camel jockeys. It works with labor attaches from South Asian countries to resolve cases of labor contract disputes, abuse of domestic servants, and workers present in Qatar without authorization. Also, the government shares information with other countries in the region on patterns involving prostitution. The government says that plans are underway for closer cooperation with governments in the sending countries to in coordinating their anti-TIP efforts.

If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

-- Unknown; statistics not provided. Based upon information obtained from foreign embassies, the number is believed to be in the hundreds.

1H. (SBU) Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

-- According to the NHRC, the law does not permit the extradition of Qatari citizens to any other foreign country.

1I. (SBU) Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

-- Some government tolerance of trafficking is demonstrated in the enactment of legislation such as the Sponsorship Law,

which is authored by government officials and which creates and facilitates TIP situations. For example, the Sponsorship Law engenders situations of bondage and servitude by prohibiting workers from leaving the country or changing employment without the permission of their current sponsor. Finally, the lack of enforcement of existing criminal statutes and labor laws could be construed as official toleration of TIP activities.

1J. (SBU) If government officials are involved in trafficking, what steps has the government taken to end such participation?

-- There are no known specific cases.

Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period.

-- There are no known specific cases.

Have any been convicted?

-- There are no known specific cases.

What sentence(s) was imposed?

-- There are no known specific cases.

Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment.

-- There are no known specific cases.

Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

-- There are no known specific cases.

1K. (SBU) Is prostitution legalized or decriminalized?

-- No.

Specifically, are the activities of the prostitute criminalized?

-- Yes, but women suspected of prostitution are often deported rather than prosecuted under the law.

Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?

-- Yes, but those suspected of facilitation are often deported rather than prosecuted under the law.

Are these laws enforced?

-- Yes. The Ministry of Interior has made progress in the prevention and detection of prostitution in the country. It has tightened the requirements for entry into the country in an effort to prevent the entry of trafficked persons, and has strengthened its relationships with local hotels and nightclubs to detect and punish prostitution when it occurs. Officials admit that persons are sometimes forced into prostitution by the economic circumstances they encounter after they enter the country, but maintain that they are effectively addressing the problem of trafficked persons entering the country for the purpose of commercial sexual exploitation. When an individual is suspected of prostitution, that person is most often deported.

If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

-- Not applicable.

¶L. (SBU) For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

-- As part of UNIFIL, Qatari troops have not been identified as engaging in trafficking.

¶M. (SBU) If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists?

-- Qatar does not have an identified problem of child sex tourists coming to the country.

How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin?

-- None.

If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

-- Unknown.

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